

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAYRA OBERGH, IVONNE BRITO,
Plaintiffs,

-against-

BUILDING MAINTENANCE SERVICES LLC,
ETHICAL CULTURE FIELDSTON SCHOOL,
NOEL SORIANO, SEDAT OSMANOVIC,
JORGE “DOE”,

Defendants.

21-CV-5053 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on June 7, 2021, Plaintiffs Mayra Obergh and Ivonne Brito, proceeding *pro se*, filed a Complaint alleging that Defendants Building Maintenance Services LLC, Ethical Culture Fieldston School, Noel Soriano, Sedat Osmanovic, and Jorge “Doe” discriminated against them on the basis of their sex in violation of Title VII of the Civil Rights Act of 1964 and the New York City Human Rights Law, *see* Complaint, Dkt. 3;

WHEREAS the Court gives *pro se* parties a “special solicitude” because they are not represented by attorneys, *see Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 475 (2d Cir. 2006);

WHEREAS on September 11, 2021, the Court ordered Plaintiffs either (1) to show cause why this action should not be dismissed without prejudice for failure to serve or (2) to file proof of service on the docket by October 1, 2021, *see* Order, Dkt. 9;

WHEREAS on September 30, 2021, Plaintiffs filed proof of service as to Defendants Ethical Culture Fieldston School and Building Maintenance Services LLC, *see* Proof of Service, Dkt. 10;

WHEREAS with respect to service on Defendant Building Maintenance Services LLC, Plaintiffs inadvertently put the name of the server as the name of the recipient of the summons, *id.*;

WHEREAS because the proof of service noted the address of Building Maintenance Services LLC, it seems clear that that Defendant was served even though the form was incorrectly completed;

WHEREAS Defendants Ethical Culture Fieldston School and Building Maintenance Services LLC acknowledge that they have been served, *see* Letter, Dkt. 11;

WHEREAS Plaintiffs have not filed proof of service as to the three individual Defendants, Noel Soriano, Sedat Osmanovic, and Jorge “Doe”; and

WHEREAS Defendants request that the cases against those three Defendants be dismissed for failure to serve, Letter, Dkt. 11;

IT IS HEREBY ORDERED that given the special solicitude afforded to *pro se* parties, the Court will give Plaintiffs one more opportunity to serve the three individual Defendants, Noel Soriano, Sedat Osmanovic, and Jorge “Doe.” The Court encourages Defense counsel to work with the Plaintiffs to find a mutually agreeable form of service. Alternatively, because all Defendants have appeared and are aware of this action, the Court encourages the individual Defendants to consider waiving service of process. Plaintiffs may contact Defense counsel, Jerrold Foster Goldberg, at his law firm Greenberg Taurig, LLP by phone at 212-801-9209 or by email at GoldbergJ@gtlaw.com. By no later than **Friday, November 12, 2021**, Plaintiffs must file proof of service as to the three individual Defendants or the parties must file a joint letter on the status of the service.

IT IS FURTHER ORDERED that to the extent there was any doubt, the Court accepts

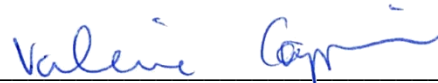
Plaintiffs' proof of service against Defendants Ethical Culture Fieldston School and Building Maintenance Services LLC. The two institutional Defendants must answer, move, or otherwise respond to the Complaint by no later than **Friday, November 19, 2021**.

IT IS FURTHER ORDERED that the Court encourages Ms. Obergh and Ms. Brito to use the services of the New York Legal Assistance Group ("NYLAG") as they litigate this case. NYLAG provides free legal assistance to *pro se* parties in certain instances. Attached to this Order is a flyer with the contact information for NYLAG. For additional information, Plaintiffs can also visit this website: <https://www.nysd.uscourts.gov/attorney/legal-assistance>.

The Clerk of Court is respectfully directed to mail a copy of this Order to the two *pro se* Plaintiffs and to note the mailings on the docket.

SO ORDERED.

Date: October 15, 2021
New York, NY



VALERIE CAPRONI
United States District Judge

Notice For **Pro Se Litigants**

As a public health precaution, the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants has temporarily suspended all in-person client meetings as of Tuesday, March 17, 2020.

Limited scope legal assistance will continue to be provided, but only by appointment and only over the phone. During this time, we cannot assist walk-in visitors to the clinic.

If you need the assistance of the clinic, please call 212-659-6190 and leave a message, including your telephone number, and someone will get back to you as soon as possible. If you do not leave a message with your telephone number, we cannot call you back.

Please be patient because our responses to your messages may be delayed while we transition to phone appointments.

